

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION  
CASE NO. 4:20-CV-00131-M

TARGET CONTRACTORS, LLC,                     )  
  Plaintiff,        )  
  )  
v.    )  
  )  
ALL PHASE SOLUTIONS, LLC and                )  
ARGONAUT INSURANCE COMPANY,                )  
  Defendants.    )

**ORDER**

This matter is before the court on the Consent Motion to Compel Arbitration and for Stay of Litigation [DE-25]. On the basis of the consent motion and associated memorandum agreed to by all parties in this litigation, for good cause shown, and because it appears to the court that the requirements of the Federal Arbitration Act for a stay of this action pursuant to 9 U.S.C. § 3 have been satisfied, the court hereby GRANTS the motion.

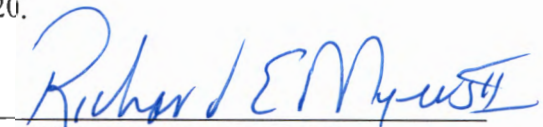
IT IS THEREFORE ORDERED:

1. That the disputes between Plaintiff Target Contractors, LLC and Defendant All Phase Solutions, LLC be referred to arbitration with the American Arbitration Association under the Construction Industry Arbitration Rules;
2. That this litigation be stayed until such time as the arbitration has concluded;
3. That any findings and conclusions set forth in a written award of the arbitrator regarding the amounts, if any, owed by All Phase to Target under the Subcontract, Target's entitlement thereto, and All Phase's obligation to pay such amounts be binding on the parties, including Argonaut and USA *ex rel.* Target, such that Argonaut shall only be bound to such findings/conclusions and be obligated and required to pay the amounts so awarded, if any, to the

extent such amounts are recoverable from Argonaut under the terms of the Payment Bond and/or applicable law; and

4. That upon conclusion of the arbitration, the parties shall cause the action to be dismissed or shall move to lift the stay, and, in the event that the court orders that the stay be lifted, the parties shall have fourteen days from the date of such order to further meet and confer as required by Rule 26(f) of the Federal Rules of Civil Procedure and present to the court a discovery plan in accordance with the Rule 26 Report of the Parties' Planning Meeting Form, available on the district's website.

SO ORDERED this the 7<sup>th</sup> day of October, 2020.

  
RICHARD F. MYERS II  
U.S. DISTRICT COURT JUDGE